

AMENDED IN SENATE AUGUST 4, 2016

AMENDED IN SENATE JULY 2, 2015

AMENDED IN SENATE JUNE 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1520

Introduced by ~~Committee on Judiciary~~ (Assembly Members ~~Mark Stone (Chair), Alejo,~~ Assembly Members Mark Stone, Chau, Chiu, Cristina Garcia, and Holden) *Holden*

March 10, 2015

An act to amend Section 6254.16 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1520, as amended, ~~Committee on Judiciary~~ Mark Stone. Public Records.

The California Public Records Act requires that public records, as defined, be open to inspection at all times during the office hours of a state or local agency and that every person has a right to inspect any public record, with specified exceptions. Existing law provides that the act shall not be construed to require the disclosure of specified information concerning utility customers of local agencies, except for certain purposes.

This bill ~~would, instead, provide that the act shall not be construed to require the disclosure of specified information concerning residential utility customers of local agencies.~~ *would remove requests for usage rates of industrial, institutional, and commercial water users from that exception to required disclosure.* By increasing the duties of local officials, the bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6254.16 of the Government Code is
2 amended to read:
3 6254.16. (a) Nothing in this chapter shall be construed to
4 require the disclosure of the names, credit histories, utility usage
5 data, home addresses, or telephone numbers of ~~residential~~ utility
6 customers of local ~~agencies, except that~~ agencies.
7 (b) *Notwithstanding subdivision (a)*, disclosure of the names,
8 utility usage data, and home addresses of ~~residential~~ utility
9 customers of local agencies shall be made available upon request
10 as follows:
11 ~~(a)~~
12 (1) To an agent or authorized family member of the person to
13 whom the information pertains.
14 ~~(b)~~
15 (2) To an officer or employee of another governmental agency
16 when necessary for the performance of its official duties.
17 ~~(c)~~
18 (3) Upon court order or the request of a law enforcement agency
19 relative to an ongoing investigation.
20 ~~(d)~~
21 (4) Upon determination by the local agency that the ~~residential~~
22 utility customer who is the subject of the request has used utility

1 services in a manner inconsistent with applicable local utility usage
2 policies.

3 (e)

4 (5) Upon determination by the local agency that the ~~residential~~
5 utility customer who is the subject of the request is an elected or
6 appointed official with authority to determine the utility usage
7 policies of the local agency, provided that the home address of an
8 appointed official shall not be disclosed without his or her consent.

9 (f)

10 (6) Upon determination by the local agency that the public
11 interest in disclosure of the information clearly outweighs the
12 public interest in nondisclosure.

13 (c) *Notwithstanding subdivision (a), water usage rates of*
14 *industrial, institutional, and commercial utility customers of local*
15 *agencies shall be made available upon request.*

16 SEC. 2. The Legislature finds and declares that Section 1 of
17 this act, which amends Section 6254.16 of the Government Code,
18 furthers, within the meaning of paragraph (7) of subdivision (b)
19 of Section 3 of Article I of the California Constitution, the purposes
20 of that constitutional section as it relates to the right of public
21 access to the meetings of local public bodies or the writings of
22 local public officials and local agencies. Pursuant to paragraph (7)
23 of subdivision (b) of Section 3 of Article I of the California
24 Constitution, the Legislature makes the following findings:

25 ~~The Legislature finds that it is in the public's interest to know~~
26 ~~the usage rates of industrial, institutional, and commercial water~~
27 ~~and energy users. Unlike residential utility users, the privacy~~
28 ~~interests of industrial, institutional, and commercial users are not~~
29 ~~sufficient to justify granting an exemption from the public~~
30 ~~disclosure requirements, in this context.~~

31 *The Legislature finds that it is in the public's interest to know*
32 *the water usage rates of industrial, institutional, and commercial*
33 *utility customers of local agencies. Unlike residential utility water*
34 *users, the privacy interests of industrial, institutional, and*
35 *commercial water users are not sufficient to justify granting an*
36 *exemption from the public disclosure requirements on local*
37 *agencies, in this context.*

38 SEC. 3. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

- 1 district under this act would result from a legislative mandate that
- 2 is within the scope of paragraph (7) of subdivision (b) of Section
- 3 3 of Article I of the California Constitution.

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